

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RAUL CALDERON,)	CASE NO. 4:13CV3060
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
)	
AMERICA, et al.,)	
)	
Defendants.)	

This matter is before the court on its own motion. On March 15, 2013, Plaintiff filed his Complaint, and also submitted a payment of \$53.80, which was to be applied to the court's \$350.00 filing fee. (Filing Nos. [1](#) and 14.) On March 21, 2013, the court assessed an initial partial filing fee in the amount of \$71.44 in accordance with [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [15](#).) The court gave Plaintiff until April 22, 2013, to pay the remaining balance of the initial partial filing fee, which was \$17.64. ([Id.](#) at CM/ECF p. 4.)

The April 22, 2013, deadline has passed and Plaintiff has not paid the remaining balance of the initial partial filing fee or asked for an extension of time in which to do so. Therefore, the court will dismiss Plaintiff's case because he failed to comply with the court's April 22, 2013, Memorandum and Order. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 \(8th Cir. Sept. 21, 2004\)](#), (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (Filing No. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court's orders; and

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 6th day of May, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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